

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CHRISTOPHER J. WALSH, as he is ADMINISTRATOR,
CONSTRUCTION TEAMSTERS HEALTH AND
WELFARE FUND and INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, LOCAL 379,
Plaintiffs

C.A. No. 05-10010 EFH

vs.

HILEE, INC.,
Defendant

and

GIOIOSO BROS., INC. and THE MCCOURT
CONSTRUCTION COMPANY, INC.,
Reach-and-Apply Defendants

and

FLEET BANK,
Trustee

**PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST HILEE, INC.**

Now come the Plaintiffs (hereinafter, the "Fund"), and request the Clerk, pursuant to Rule 55(b)(l), Fed.R.Civ.P., to enter default judgment in favor of the Fund and against Defendant Hilee, Inc. (hereinafter "Hilee"), holding Hilee liable for all unpaid contributions owed to the Funds, together with interest, statutory liquidated damages, and reasonable attorneys' fees and costs as follows:

| | | |
|----|--|------------|
| A. | Principal that remains owed to the Funds through June, 2004 | \$7,670.28 |
|----|--|------------|

| | | |
|----|---|-------------|
| B. | Prejudgment interest if all contributions owed had been paid by October 31, 2005, as mandated by 29 U.S.C. §1132(g)(2)(B) | \$7,415.26 |
| C. | Liquidated damages as mandated by 29 U.S.C. §1132(g)(2)(C)(i) | \$7,415.26 |
| D. | Attorneys' Fees as mandated by §1132(g)(2)(D) | \$6,320.00 |
| E. | Costs | \$399.29 |
| | TOTAL | \$29,220.09 |

As grounds therefore, Plaintiffs state that default has been entered against Defendant for failure to answer or otherwise defend as to the Complaint of the Plaintiffs. Plaintiffs' claim is for a sum certain. Finally, Defendant is neither an infant nor an incompetent person.

WHEREFORE, Plaintiffs respectfully request that default judgment be entered against Hilee, Inc.

Respectfully submitted,

CHRISTOPHER J. WALSH, as he is
ADMINISTRATOR, of the
CONSTRUCTION TEAMSTERS
HEALTH AND WELFARE FUND, et al,

By their attorneys,

/s/ Gregory A. Geiman
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the ~~Defendant~~ ~~Defendant~~ of record for each ~~other~~ party by mail and on October 31, 2005

Dated: October 31, 2005